

Michael P. Lehmann (State Bar No. 77152)
Christopher L. Lebsack (State Bar No. 184546)
HAUSFELD LLP
44 Montgomery Street, 34th Floor
San Francisco, CA 94104
Telephone: (415) 633-1908
Facsimile: (415) 358-4980

Richard M. Heimann (State Bar No. 063607)
Lexi J. Hazam (State Bar No. 224457)
Robert L. Lieff (State Bar No. 037568) (Of
Counsel)
LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP
Embarcadero Center West
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Attorneys for Plaintiff and the Proposed Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 39
STATIONARY ENGINEERS,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

THE BANK OF NEW YORK MELLON
CORPORATION, THE BANK OF NEW
YORK MELLON, THE BANK OF NEW
YORK COMPANY, INC., THE BANK
OF NEW YORK, and THE BANK OF
NEW YORK MELLON TRUST
COMPANY, NATIONAL
ASSOCIATION,

Defendants.

Case No. 11-CV-3620 WHA

STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING DEADLINES TO
RESPOND TO DEFENDANTS' MOTION
TO DISMISS

WHEREAS, Plaintiff filed a Class Action Complaint against Defendants on July 22, 2011 (Dkt. No. 1);

WHEREAS, on August 29, 2011, the parties stipulated pursuant to N.D. Cal. L. Rule 6.1 to extend the time for the Defendants to answer or otherwise respond to the Complaint until October 7, 2011 (Dkt. No. 11);

WHEREAS, Defendants moved to dismiss the Complaint on October 7, 2011 (Dkt. No. 29);

WHEREAS, Plaintiffs wish to have a similar additional amount of time to respond to the motion to dismiss as Defendants had in preparing it, given the issues raised in that motion, and

WHEREAS, the motion was noticed for a hearing on November 17, 2011, the same day on which the Clerk of the Court noticed an Initial Case Management Conference in this case (Dkt. No. 14);

IT IS HEREBY STIPULATED, pursuant to Civil Local Rule 6-2, that the parties to the above-referenced action agree and respectfully request that this Court order that the schedule related to the October 7, 2011, Motion to Dismiss the Class Action Complaint (Dkt. No. 28), filed by Defendants The Bank of New York, The Bank of New York Company, Inc., The Bank of New York Mellon, The Bank of New York Mellon Corporation, The Bank of New York Mellon Trust Company National Association be amended as follows:

- Responses due by November 4, 2011.
- Replies due by November 22, 2011.
- Motion Hearing requested for December 15, 2011 at 08:00 AM in Courtroom 8, 19th Floor, San Francisco before Hon. William Alsup, or at such other time ordered by the Court.

Dated: October 17, 2011 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

By: /s/ Charles E. Davidow

Charles E. Davidow
Attorneys for All Defendants

Dated: October 17, 2011 HAUSFELD LLP

By: /s/ Michael P. Lehmann

Michael P. Lehmann
Attorneys for Plaintiff

Attestation: The filer of this document attests that the concurrence of the other signatory thereto has been obtained.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 18, 2011.



William Alsup
UNITED STATES DISTRICT JUDGE